

# MEMORANDUM

PMPS

Agenda Item No. 2 (B)

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**TO:** Hon. Chairperson Barbara Carey-Shuler, Ed.D.  
and Members, Board of County Commissioners

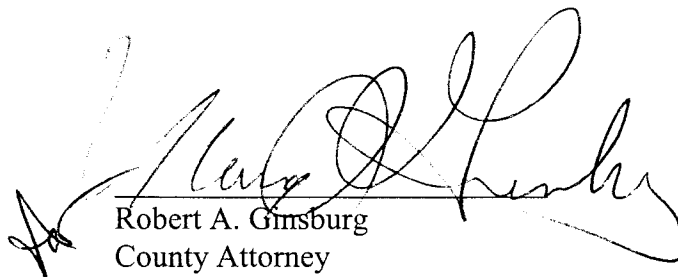
**DATE** June 18, 2004

**FROM:** Robert A. Ginsburg  
County Attorney

**SUBJECT:** Ordinance amending section  
2-8.5; relating to local  
preference

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The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Sally A. Heyman and Commissioner Rebeca Sosa.

  
Robert A. Ginsburg  
County Attorney

RAG/jls



# MEMORANDUM

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**TO:** Honorable Chairperson Barbara Carey-Shuler, Ed.D. **DATE:**  
and Members, Board of County Commissioners

**FROM:** George M. Burgess  
County Manager

A handwritten signature in black ink, appearing to read "Burgess", is written over the printed name of George M. Burgess.

**SUBJECT:** Ordinance amending Section  
2-8.5; relating to local  
preference

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This ordinance amending Section 2-8.5 of the Miami-Dade County Code relating to local preference will have no fiscal impact on Miami-Dade County.

The amendment further clarifies the definition of a local business as one that contributes to the economic well being of the County.

Fiscal/003004

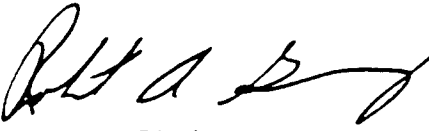


# MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.  
and Members, Board of County Commissioners

DATE: April 13, 2004

FROM:   
Robert A. Ginsburg  
County Attorney

SUBJECT: Agenda Item No. 13(B)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 13 (B)  
4-13-04

ORDINANCE NO. \_\_\_\_\_

ORDINANCE AMENDING SECTION 2-8.5 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO EXPAND THE DEFINITION OF LOCAL BUSINESS IN THE APPLICATION OF LOCAL PREFERENCE IN COUNTY CONTRACTING; REMOVING TIMEFRAME REQUIREMENT FOR SUBMISSION OF THE BEST AND FINAL BID; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF  
MIAMI-DADE COUNTY, FLORIDA:**

Section 1. Section 2-8.5 of the Code of Miami-Dade County, Florida, is hereby amended as follows:<sup>1</sup>

**Sec. 2-8.5**

(1) *Definitions.*

(a) *General services* means support services performed by an independent contractor requiring specialized knowledge, experience, or expertise that includes, but is not limited, to pest control, janitorial, laundry, catering, security, lawn maintenance and maintenance of equipment.

(b) *Goods* includes, but is not limited to, supplies, equipment, materials and printed matter.

(c) *Local business* means the vendor has a valid occupational license issued by Miami-Dade County at least one year prior to bid or proposal submission to do business within Miami-Dade County that authorizes the business to provide the goods, services or construction to be purchased, and a physical business address located within the limits of Miami-Dade County from which the

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<sup>1</sup> Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

vendor operates or performs business. Post Office Boxes are not verifiable and shall not be used for the purpose of establishing said physical address. >> In addition to the foregoing, a vendor shall not be considered a "local business" unless it contributes to the economic development and well-being of Miami-Dade County in a verifiable and measurable way. This may include, but not be limited to, the retention and expansion of employment opportunities and the support and increase to the County's tax base. Vendors shall affirm in writing their compliance with the foregoing at the time of submitting their bid or proposal to be eligible for consideration as a "local business" under this section.<<

(d) *Professional services* includes any services where the County is obtaining advice, instruction, or specialized work from an individual, firm, or corporation specifically qualified in a particular area.

\* \* \* \*

(2) *Preference in purchase of personal property, general services, professional services, the purchase of or contract for construction or renovation of public works or improvements, and in the purchase of personal property, general services or professional services by means of competitive bid, request for proposals, qualifications or other submittals and competitive negotiation and selection.* Except where federal or state law mandates to the contrary, preference shall be given to local businesses in the following manner:

(a) *Competitive bid.* When a responsive, responsible non-local business submits the lowest price bid, and the bid submitted by one or more responsive, responsible local businesses is within ten percent of the price submitted by the non-local business, then that non-local business and each of the aforementioned local businesses shall have the opportunity to submit ~~[[, within five working days of bid opening,]]~~ a best and final bid equal to or lower than the amount of the low bid previously submitted by the non-local business. Contract award shall be made to the responsive, responsible business submitting the lowest best and final bid. In the case of a tie in the best and final bid between a local business and a non-local business, contract award shall be made to the local business.

\* \* \* \*

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.


Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and

be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective within ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:



Prepared by:  
Susan Torres



Sponsored by Commissioner Sally A. Heyman and  
Commissioner Rebeca Sosa